

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3

4 MICHAEL FRANKS, an individual,

No. C 10-3880 CW

5 Plaintiff,

6 v.  
7 ORDER DENYING  
8 WITHOUT PREJUDICE  
9 DEFENDANTS' MOTION  
FOR SUMMARY  
JUDGMENT (Docket  
No. 39)

10 AETNA LIFE INSURANCE COMPANY; THE  
11 SPRINT/UNITED MANAGEMENT COMPANY  
12 LONG TERM DISABILITY PLAN; and  
13 SPRINT/UNITED MANAGEMENT COMPANY,  
14 in its capacity as Plan  
15 Administrator,

16 Defendants.

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19 For the reasons explained at the December 22, 2011 hearing,  
20 Defendants' motion for summary judgment is denied without  
21 prejudice, subject to refiling on or before January 23, 2012.

22 In advance of any further motion for summary judgment, the  
23 parties shall do the following. Defendants shall provide  
24 Plaintiff with a copy of the documents on which they rely in  
25 charging an offset. Plaintiff shall inform Defendants of the  
26 amount of social security benefits originally awarded to him and  
27 provide a copy of the award letter, if possible, as well as the  
28 basis for the award and any subsequent increases. If Plaintiff  
has lost the original award letter, Plaintiff shall make a good  
faith effort to secure documentation of the award from the Social  
Security Administration, and Defendants shall use the avenues at  
their disposal to secure the missing information from the SSA.  
The parties shall share this information with opposing counsel, as  
soon as they acquire it.

1 Before Defendants file a second motion for summary judgment,  
2 they shall meet and confer with Plaintiff's counsel regarding the  
3 correct benefit payment for each month at issue. If the parties  
4 have not resolved the dispute, Defendants may file their second  
5 motion for summary judgment, addressing the offset issue. Any  
6 motions relating to attorneys' fees, costs and interest may be  
7 made at a later date.

8 IT IS SO ORDERED.

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10 Dated: 12/23/2011



11 CLAUDIA WILKEN  
12 United States District Judge  
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